

Message of
Augustus E Willson
Jan 4, 1910

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MESSAGE

OF

Augustus E. Willson

GOVERNOR OF KENTUCKY

TO THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY

JANUARY 4, 1910

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MESSAGE
OF
AUGUSTUS E. WILLSON
GOVERNOR OF KENTUCKY
TO THE
General Assembly of the Commonwealth
of Kentucky
JANUARY 4, 1910

To all of the Members of the Senate and House of Representatives.

GENTLEMEN:

I greet with friendly welcome and cordial good-will the first sitting of the members of the General Assembly in the beautiful new Capitol. It is a State House most worthy of Kentucky and our people and our times. This meeting, established by law, brings together at the Capitol once in two years the three branches of the Government, the Legislative, the Judicial and the Executive, and gives a chance, which should not be neglected, for the three branches not only to follow out their usual work, but to counsel together unofficially as well as officially, as chosen representatives of all of the people, for the general welfare of our State and our country.

The members of the General Assembly can well afford to take counsel of the learned Justices of the Court of Appeals, and the Executive Department will be glad to have the counsel, the help

and the good will of the Judges and the members. At this session, no election of Senator, nor as far as I know, any other question of partisan politics hangs over us to cloud the counsel or the judgment of the three branches of the government, each regularly elected by the people for its own term, and it seems to me that we are freer than ever before to consider everything which shall come before your session with an eye single to its usefulness and the honor and the welfare of all of our people regardless of party and sections. Let us all join cordially and without antagonism in asking the blessing of God upon our work and our counsels to the end that whatever we may do shall be good, honest, unselfish and faithful to duty.

We are all living and working together, under our covenant with each other written in the Constitution of the people, and in the spirit of the Bill of Rights, carefully guarding the liberty of each soul under our law, protecting even one alone against all the millions and bound in honor and good faith and by common interest to defend and guard that liberty as our greatest blessing and to be just and righteous towards each other both as individuals and as groups, parties and sects. While our government shapes its policies through party organization, all of us know that party government, in order to gain or hold power, must always realize the strength and the truth of the time-honored rule that he serves his party best who serves his whole State best.

If, forgetting this rule, I sought only party success, I might do most to that end by simply recording and even tempting by my course, unfair, partisan and prejudiced action on the part of the overwhelming opposition majority in the General Assembly; but the high duties of the office of Governor do not permit me, for one moment, to follow such a course. I am the servant of all of the people and owe to all and every one, without distinction of party, more, it seems to me, than any Governor of Kentucky ever owed before, and I humbly pray that I may be guided in the path of usefulness, honor and unselfishness, to help right, justice and wisdom to prevail and to gain for all our people the best fruits of the best endeavor and thought of all three of the branches of the government of the State here met together, for perfect justice and fairness to all our people and for the liberty, the prosperity

and the honor of all, not only as citizens of one great Commonwealth, but as individuals.

Partisan strife and personal ambitions too often blind one or another or all of the departments of our government to the general good, and have caused plans for temporary unfair advantage of individuals, or parties, to be adopted by the majority of the party in power, and it is the history of our State, as of all States, that every unfair act has hurt and will forever hurt the party, whose majority has made it responsible for such act, and has left and will leave a stain upon the record of that party.

THE EXECUTIVE DEPARTMENT.

Our Constitution, like that of the United States and all the States, commands that the power of the Government shall be divided into three distinct departments, and each of them confined to a separate body of magistracy, and "no person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others." Each is supreme in its own field and guarded from encroachment or opposition by the other. The Courts may decide whether an act of the Legislature is constitutional or void, and may settle the meaning of any act for the Executive Department. The Legislature can pass laws which the Executive Department is required by the Constitution to obey, and may declare what money shall be collected and what it may be used for, but the Governor has no right to act as judge nor demand that any Court shall follow his opinion of the law. Neither the Governor nor the Courts have any right to demand that the General Assembly shall enact any law which they may think necessary, or in any way regulate the public policy which it is the function of the General Assembly to fix. The General Assembly has no right to act judicially except in the case expressly declared in the Constitution. It has no more right to perform any duty of the Governor or the Auditor or Treasurer, and it has at least no moral right to take from the Executive Branch the appointment, removal, supervision or control of the work of per-

sons chosen to do the ministerial or administrative work in executing the laws. The Constitution and honor and duty alike press each branch to respect the other and its functions, and every departure from this rule of action mars our plan of government and hinders the achievement of the best results in its operation.

I wish to lay especial stress, as Governor of this Commonwealth, on the fact that in session after session, the Legislative Branch has made laws taking away from the Executive Department appointments and powers always in every State and always before in this State, vested in the Chief Executive. Sometimes it was done by a Democratic Legislature to take appointments and control from a Republican Governor; sometimes, I believe, from a Governor of their own party, either from factional opposition or from pure legislative aggression; but whatever the cause, the result is that the Legislative Department has not only chosen its own organization and attendants as expressly authorized by the Constitution, but it has taken from the Governor nearly all of the Executive powers and duties of appointment, control, supervision and removal of officers and employees, whose functions are purely executive, and in no sense judicial or legislative, although this power has been held by every Governor of all the other States, and of Kentucky until within the last few years. This has been accomplished partly by providing for elections of many officers that should be appointed and be subject to control and removal, as men holding like positions are in other important systems; partly by delegating their appointment to other Executive officers, sometimes to the judges, and partly by creating offices for Executive business to be filled by men elected by the Legislative Branch, as notably in the case of the Prison Commissioners.

In short, it has come to pass that the Governor of Kentucky, whether Democrat or Republican, is shorn of the usual and proper power of the Executive Department, and has practically almost no part in the appointments, no power of correction or removal to enforce by the power of removal for neglect, inefficiency or dishonesty, the responsibility of minor officers and employees, as it is enforced in other lines of business.

Not long ago, the Governor of Missouri told me that he had the appointment or control of between six and seven thousand officers and employees of the State Government. In Kentucky, the only

appointments left to the present Governor, or any successor, of any party, are, speaking from memory, but substantially correctly, a Private Secretary, a Stenographer, a Messenger and Capitol Watchman, a State Inspector and Examiner, Adjutant General, Assistant Adjutant General, four members of the Board of Control, seven members of the Board of Equalization and a few other appointments partly paid by fees as in the case of the three Barber Examiners, less than twenty in all—with measures now demanded to take from him who hath nothing even that which he hath—and members of Boards not paid, as in the case of the members of the Board of Health, his choice in which is restricted to names suggested by it, the appointment of special judges and the exercise of the Constitutional power to fill vacancies in certain offices.

The result is that the Governor has been deposed, by partisan and factional legislation, from almost all of the supervision and care of the work of the State, in which it was intended that he should have great power and be useful to all of the people, and to-day the power of the Governor is but a shadow of what the power was formerly and was meant to be, or what it is in other States and in the Nation, and this remarkable departure from our plan of government has not worked well for the people or their business. Hundreds of purely ministerial officers now perform their duties at their own will, without any control, supervision or power of correction; neglect, extravagance and some times dishonesty go unrebuked at least to the end of the term, and add wasteful and needless expense to the cost of the government.

The Legislative and Judicial Branches are overwhelmingly Democratic. The Republican Executive Department cannot and does not look for, much less ask, favor for any partisan Republican measure; but as there is very little, if any, work now before either of these branches which can have any partisan bearing, excepting that good work will honor and strengthen the party whose chosen men shall do it, and bad or careless or unfair work or wasted time and money will hurt the party responsible for them, I fulfill my duty under the Constitution in asking that the chief object of legislation shall be the general good and shall not be directed merely to selfish, personal or party advantage.

We have all sought office declaring honorable motives. Every

one of us has every possible chance to fulfill his promises. Every one of us can help or hurt his own party and his own standing according as his thought and work are useful, honest, unselfish and faithful, or not. Useful, sensible and honorable work will make good, and the Governor wishes earnestly, and for no personal benefit, but for the good of all, that both parties and all three branches of the government and every member, judge and officer, will be in the highest and best sense useful and will deserve and win good will and praise for himself and his party from all of the people regardless of party lines.

I have not spoken of the cutting down the power and efficiency of the Executive Branch of the government by the changes in the laws which have taken from it the powers and control meant to be vested in the Governor and in fact so vested in other States, because of any personal wish to have the power of appointment. My nomination and election came to me in such a way that it left my obligations and gratitude due to the whole people, and to my party at large, and not to individuals, with no organization of personal helpers for me to be anxious to reward. I am grateful to the great party, which furnished the main army which nominated me and brought about my election. I am grateful to those not usually part of it, who helped make the change in the Executive Department. I respect my party and these elements and hold to the faith that their influence is far the best interest of the State; but my obligations, second only to my duty to the whole people, are to elements rather than to individuals. What I have had to say on this subject is less important to me, with less than two years of my term remaining, than it will be to those of any party who shall come after me. The actual and only reason for referring to it is that the present laws not only encroach upon the Executive Branch, but make the conduct of the public business less useful, more costly and less creditable to the people than it would be if any man holding the office of Governor had the appointment and removal of all State employes who ought to be appointed by him, and he were thus held responsible for the honest, faithful and wise administration of that power. Such officers elected by the people hold their offices for the full term and can only be removed by prosecution or impeachment. Those elected by the General Assembly are similarly free from

control or responsibility, except during the sixty days session once in two years, and in the interval of twenty-two months, the grossest corruption, greatest neglect, worst management, the most reckless and prodigal expense, all would be free from supervision or correction, except when the acts might become criminal. No great railroad, factory, mercantile or other important business can be successfully managed under any such conditions. In every other business, the General Executive or the Board of Directors can instantly remove those whose services are not most profitable and useful. In the people's business, the efficiency and responsibility are left almost wholly to the whim and will of the holders of the offices. It is an honor to our people that so bad a system has brought to light so few abuses of office as in Kentucky. I have submitted these views with no thought of personal benefit, but because the Constitution makes it the duty of the Governor to lay before the General Assembly from time to time such information, and invite their consideration to such measures as he deems it his duty to recommend.

THE FINANCIAL CONDITION OF THE STATE.

The accounts of the General Expenditure Fund for the five fiscal years ending June 30, 1909, omitting cents, were as follows:

1904-5.

Receipts -----	\$2,934,127
Expenses (ordinary) -----	2,966,740
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Deficiency of Receipts -----	\$32,613

1905-6.

Receipts -----	\$3,050,046
Expenses (ordinary) -----	3,024,092
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Surplus of Receipts -----	\$25,954

1906-7.

Receipts -----	\$3,465,965
Expenses (ordinary) -----	3,102,457
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Surplus of Receipts -----	\$363,508

1907-8.

Receipts -----	\$3,606,362
Expenses (ordinary) -----	3,407,923
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Surplus of Receipts -----	\$198,439

1908-9.

Receipts -----	\$3,678,568
Expenses (ordinary) -----	3,558,023
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Surplus of Receipts -----	\$120,545

These figures are mentioned in order that we may compare the usual and ordinary expenses of carrying on the State government, under the laws established and in force throughout the whole period of five years, with the revenues received during these years. They show that under the laws in force during the whole five years:

The total receipts were -----	\$16,735,068
The ordinary expenses were -----	16,059,235
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And the net surplus of receipts above the
expenses for this time was ----- \$675,833

In addition to these ordinary expenses there were special appropriations voted by the General Assembly without making any provision to raise money to pay for them.

The expenditures under the new appropriations for the five years were as follows:

For the new Capitol, 1904-5 -----	\$34,885
For the new Capitol, 1905-6 -----	130,116
For the new Capitol, 1906-7 -----	573,551
For the new Capitol, 1907-8 -----	451,107
For the new Capitol, 1908-9 -----	260,986
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Total expenditure for the new Capitol in the five years -----	\$1,450,645
For the Normal Schools and State Uni- versity in 1908-9 -----	267,448

The last item is taken from the Auditor's report for 1908-9, which lumps together the ordinary appropriation and the special appropriation. The ordinary appropriations were about \$60,000.00, leaving the payment under the special appropriation about \$207,000.00.

For militia on active service 1908-9, \$151,400.00 was paid, making the total of expenses for new appropriations and militia \$1,869,493.00, but this should be reduced by the regular appropriation which the Auditor's report has included with the new appropriations and militia, about \$60,000.00, leaving the new appropriations and militia expenditure about \$1,809,493.00, for which no taxes were levied.

We have, then, new appropriations for which no revenue was provided, and militia, the sum of--	\$1,809,493
Deducting the surplus of receipts of the general expense fund above the usual expenses under the existing laws -----	675,833
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And it leaves a net deficiency caused by the new
appropriations, of ----- \$1,133,660

In order to pay all of the obligations that could be paid out of the money in control of the Executive Department, it has been the custom during the whole five years, and, as I am advised, for

many years previous, to use whatever surplus cash there might be in the School Fund, the Sinking Fund and the University Fund. The funds available for such uses amounted on June 30, 1909, to \$547,899.97. In addition to this, there have been issued partly under judgment of the Court of Appeals, warrants not yet paid, which if paid, would have used up all of the cash balance and have caused an overdraft of \$194,806.00 on June 30, 1909.

On August 31, 1907, the last administration borrowed and transferred from the Sinking Fund to the General Expense Fund the sum of \$500,000.00. This transfer reduces the deficiency in the latter fund for the five years, from \$1,133,660 to \$633,660.

The unexpended balance of new appropriations of the last General Assembly, for which Auditor's warrants had not been issued on November 30, 1909, are as follows:

State University, due July 1, 1910 -----	\$66,666 67
Eastern Normal School, due July 1, 1910 --	50,000 00
Western Normal School, due July 1, 1910 --	50,000 00
State University, annual expense -----	20,000 00
Eastern Normal School, annual expense ----	20,000 00
Western Normal School, annual expense ----	30,000 00
Children's Home -----	15,000 00
Association Sanatoria -----	10,000 00
New State Capitol -----	97,000 00
Henry Clay Monument -----	10,000 00
State Geological -----	13,000 00
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	\$381,666 67

The Auditor's report shows that at the beginning of the five years above summarized, there was a deficit in the General Expenditure Fund of \$98,103.97, to which we must add \$1,115.56 to the University Fund, which is separately stated in the Auditor's report, making the deficit carried over at the beginning of the five year period, the sum of \$99,219.55, so that the total excess of expenditures and obligations over the total receipts of the general expenditure fund beginning with the deficit carrier over in 1904-5, is as follows:

Deficit carried over, 1904-5 -----	\$99,219 00
Excess of general fund expenditures over receipts during the five years -----	1,133,660 00
Other transfers and corrections -----	9,827 00

Total deficit, or excess of expenditures
to June 30, 1909 ----- \$1,242,706 00

viz.:

Auditor's statement of deficiency in the general expenditure fund, p. 252 -----	\$739,726 03
Add: Balance due University Fund -----	2,980 15
Add: Transfer from Sinking Fund 1907 ----	500,000 00

Total as above ----- \$1,242,706 18

When the \$500,000.00 taken by the former administration from the Sinking Fund and put into the general fund in August, 1907, is deducted from the above total deficit, the deficit stands at \$742,706.18. That transfer should be approved by the Legislature as there was no debt to require accumulations in the Sinking Fund, but until approved and charged off, the book deficit is \$1,242,706.18, the cash deficit \$742,706.18.

The receipts of the General Expenditure Fund for the year 1908-9 were \$3,754,076. The receipts of the present year will exceed that sum by a small amount, probably not more than \$100,000 (increased last year \$72,000.00).

The ordinary expenses of the present year, estimated on the basis of last year, would be about \$3,700,000.00 (increased last year \$150,000).

To this we must add the amount which should be paid the present year under the new appropriations, \$381,000.00.

Making a total of general expenditures of \$4,081,000.

Summing up the whole financial situation, this General Assembly starts with the total deficit above mentioned of \$742,706.18.

To which we must add the unpaid obligations
of the State under the new appropria-
tions ----- \$381,000 00

A total deficit of ----- \$1,123,706 18

Whatever the present General Assembly makes additional appropriations for will have to be added to this total, which good faith and honorable management of the public business will require the State to pay during the next year, and which the above statement of receipts and expenditures shows that it will have no money to pay. To this we must add, first, new appropriations which good business management and humanity require, as follows:

For the Charitable Institutions -----	\$205,000 00
For the Houses of Reform -----	30,231 00
For the New Capitol, so much as shall be necessary, not exceeding -----	300,000 00
For the Ky. Institution for the Blind -----	40,000 00
For the Home Society for Colored Children--	5,000 00
For the Ky. School for the Deaf, more land--	11,000 00
For the Ky. School for the Deaf, additional equipment -----	14,050 00
For the Extension of Capitol grounds \$100,- 000 or so much as may be necessary--	100,000 00
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	\$705,281 00
Add deficit above -----	742,706 18
And unpaid appropriations of 1908 -----	381,000 00
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And we have total to be provided for by new revenue or by loans -----	\$1,828,987 18

To this must be added any new appropriations which, in the judgment of the General Assembly should be made, which I cannot now estimate, but which should be kept track of as the bills are considered, and added after they are adopted.

This statement of the budget of the Commonwealth is taken from the Auditor's accounts and the Treasurer's books, all of which are open to the members of the General Assembly, whose most searching and thorough inspection of all the payments made and the vouchers therefor, is earnestly requested. During the past year there has been painstaking and severe scrutiny of all bills rendered and the most rigid economy has been practiced. The

Treasurer can pay out only what the laws provide. He has no other means of paying the obligations and new appropriations. We are thus compelled now to face the question, "How are we to pay the just debts and new appropriations?" We have not been able for some time to pay promptly the amounts required by law, because the laws now in force promise to pay more than the revenue can provide. This administration has paid as far as the money could be collected, saving only a sufficient balance against absolutely necessary current expenses. The Warrants and obligations, for which we have had no revenues, have had to wait until the money should come in, and this has resulted in serious embarrassment of the State University and Normal Schools and in the unfortunate delays in teachers' salaries and other expenses of the common schools. We have paid during December Auditor's warrants which were issued nearly eleven months ago. In other words, the Commonwealth has become "slow pay" and its credit has been impaired. Its charitable institutions have had to pledge more than \$200,000.00 of State warrants to banks to borrow money for necessary expenses and to pay over \$5,000.00 interest on it. People who do business with the Commonwealth, contractors and others, have had to estimate their probable losses through the time which they would have to wait, when making their bids for work, etc., for the Commonwealth, and bidders, in providing for such losses, always include more than the interest would amount to, so that voting more appropriations than the revenue can pay has not only hurt the credit of the Commonwealth, but has actually added to its expenses many thousands of dollars which were not necessary. If no provision for further revenue is made, and nothing done to raise money to pay the debts and keep the credit of the Commonwealth good, the administration must go on paying only what comes in and carrying the deficit. Until the revenue exceed the expenses, we must go on piling up the deficits and increasing the delays in payments and the waste of expenses which result therefrom. It follows then that we must increase the revenue by raising the present taxes or by levying new taxes or requiring new licenses or by some other means of raising new revenues, or else we must issue bonds or in some way borrow money to pay off the deficit, provide for the new appropriations and establish a Sinking Fund to provide for any loans and interest, and provide by tax-

ation the revenue to meet the principal and interest of any loans. The situation impresses upon us the necessity for rigid economy in appropriations and of repealing the laws authorizing any unnecessary expenses. I do not urge the issue of bonds. Our State taxes are low. Borrowing money involves the payment of interest, which should be avoided if possible. I have no doubt, however, that the interest so paid would be less than the extra expense brought upon the Commonwealth by appropriating more than there is money to pay and falling behind and having warrants and obligations stand over unpaid for months.

Under the present conditions established by previous General Assemblies, the State of Kentucky is now making people to whom it owes money, carry a large part of the extraordinary expenses of the new Capitol and the new appropriations of the last General Assembly. Our creditors are being forced to wait on their just debts in order that we may have money enough to finish the new Capitol and pay the new appropriations which were enacted without provision for payment.

It is idle to argue, as I regret to learn was argued by some members of the last General Assembly, that there was no need to bother about where the money was to come from to pay the new appropriations, that they got the credit of generosity and that the Republican administration got the discredit for the failure to pay such appropriations. Such an argument presumes gross ignorance in an intelligent people, and the people of Kentucky thoroughly understand the present situation. Every man of ordinary sense knows that the State, no matter under what administration, can pay no more than it takes in; that it has no rainbow gold, bequests nor inheritance from rich relatives; that it is the General Assembly which makes appropriations, and that it has always had a Democratic majority. No one need to delude himself with the idea that the Republican administration will be hurt or distressed by a Democratic General Assembly appropriating more than it provides the money to pay for. Such bad business management will be at last laid at the door of the branch of the government which was or may be to blame for it. It cannot be charged to the Executive Branch, which has no control of it except in so far as the Governor has felt obliged to approve some of the appropriations, although no money was provided for them, which were neces-

sary as a matter of humanity for the helpless inmates confined in State institutions, either penal or charitable. These were approved with some other appropriations, and it was foreseen and indicated in the Governor's last message that the result would be that the State would fall behind in its payments and become "slow pay" and the credit of the Commonwealth would be hurt by delays in payment. The argument that the new appropriations put the Executive "in a hole" is very much like the continued statements published in many party papers as to the balance of about \$1,400,000.00 claimed to have been turned over by the last administration. The campaign book had stated several months before that \$1,400,000.00 would be turned over, and after the Governor took his seat, the State Inspector and Examiner, who had published that campaign book, presented his report of the monthly examination, showing about \$1,400,000.00 turned over just as he had prophesied. The Governor was struck with the fact that the sum turned over came so near to the figures promised in the campaign book, and at once asked the Inspector and Examiner whether he had furnished a statement of the Auditor's warrants then outstanding and unpaid and he answered he had not, and was directed to present a report on those at once, and did promptly report that there were then issued, outstanding and unpaid, Auditor's warrants and just debts then established amounting to \$527,597.50. Of course it the campaign promiser desired to turn over a certain sum it was easy to do it by stopping payment when the amount in the treasury had got down to that sum, and this was the course pursued. The fact was there was not only this sum of Auditor's warrants issued, and unpaid and school claims, etc., \$1,524,597.50, but also just claims incurred under the previous administration for which Auditor's warrants were issued after January, 1908, amounting to \$16,373.41. On the first day of January, 1908, just after this administration took charge, payments to the school fund were due amounting to \$1,007,295.78 and \$19,614.54 was due the State University. The Auditor's public statement, January 8th, 1909, set out the following items:

School claims paid January 7, 1908 -----	\$587,299.25
Asylums -----	53,660.82
Penitentiaries -----	28,232.28

Idiot claims -----	\$15,879.97
Trustees Jury Fund -----	11,564.05
Criminal Prosecutions -----	18,966.73
Eastern Kentucky Normal School -----	7,500.00
Attorneys fees -----	2,550.00
Feeble Minded Institute -----	3,410.81
Jefferson County fees -----	8,352.19
Balance due A. & M. College Dec. 1, 1907 ----	19,614.54
Balance due Schools -----	83,766.88
On January 31, 1908, he drew warrants to pay school claims amounting to -----	347,570.33
On January 2, 1908, his predecessor paid in school claims amounting to -----	336,229.65
Which should have been paid during the previous year. So that the cash balance on hand January 31, 1908, 24 days after this administration assumed office, was only -----	177,431.32

These added up by me amount to \$1,524,597.50, so that instead of turning over a large cash balance of \$1,400,00.00 to be used for expenses under this administration, payment of the expenses audited in 1907 left only an actual cash balance of \$177,431.32 instead of \$1,400,000.00, though that amount was kept in bank to make a showing instead of being checked out to pay past due debts, and the January expenses which were just and enforceable debts known to those who turned over the cash in bank, with the previous debts, amounted to the sum of \$1,527,594.50, or over \$124,597.50 more than the cash turned over.

The present Auditor, in fact, drew warrants in January, 1908, for \$1,230.00, which with the December payments amounted to \$1,524,597.50, \$124,597.50 more than the so often mentioned cash turned over to him and all of which was for unpaid bills allowed and audited by the former administration, and bills falling due that month of January, mostly for the schools, and this is the true answer from the record and should be, I submit, a full, true and conclusive answer to the constantly published charge that this administration has "squandered" the large sum of \$1,400,000.00 generally referred to as the \$1,400,000.00 turned over by the last administration. The sum of \$1,400,000.00 is but little more than one-

sixth of the yearly expenses of the State as established by laws which we did not make and had no power to change.

What is fully accounted for needs no further explanation, but it adds to its conclusiveness to say that as shown by the same statement of the Auditor, we have had to carry \$1,366,000.00 of the new appropriations of the last General Assembly which were approved by the governor and became laws governing this administration, for all of which the judgment of the Court of Appeals, in certain instances, showed that warrants must be issued as they have been. The condition would have been worse yet if I had not felt constrained, by the deficit or other reasons, to veto about one million dollars of additional appropriations made in 1908, so that the expenses to be met out of the \$1,400,000.00 turned over by the previous administration, amounted to \$1,524,597.50, and debts unpaid \$16,373.41, in all \$1,540,970.91, or about \$140,970.41 more than the balance turned over, and the last administration in fact left the treasury without any money on hand to pay the school warrants and other lawful expenses, except the moneys from taxes and licenses and other sources of revenue to come in after the new administration took charge, and with more than a million dollars less money on hand and to come in than was necessary to pay the established obligations turned over to us.

But, as Governor of the Commonwealth, I do not wish to reproach the last administration or General Assembly nor to make this message in any form or sense a political or partisan argument nor even to present all of the defenses to unfair partisan claims and charges. I wish to hold this message to an accurate statement of the financial condition of the Commonwealth. The deficit, has not, in so far as I know or have yet learned, been caused by any extravagance or improper management of the Executive Department in the past, and the public accounts show that it has not been caused by this administration, but is wholly due to successive General Assemblies making appropriations in excess of the amounts provided for paying them. I fully understand the difficulties under which the General Assemblies have labored in making appropriations. We have never in the history of the Commonwealth had a complete budget embracing assets, liabilities, receipts, expenditures and estimates of future appropriations. We have never had in the office of the Auditor Public Accounts

a general ledger showing completely the actual condition of the business or financial condition of the State at any time. We have kept only cash accounts of the total amounts received and the total amounts expended, and I have no chance to properly investigate these accounts under previous administrations to see whether they have been kept correctly; but we have had nothing corresponding to the "balance sheet" which is kept in every important business except the State's business.

I recommend an appropriation to pay for an investigation of all vouchers and accounts for ten years. We should have on the first of every month a true revenue balance sheet showing the actual conditions of the public business so that the General Assembly can know at every session, and the officers every month, the actual condition and the course of the State's business, whether it is tending to a surplus or a deficit and what can be afforded in each month out of the revenue then on hand or to be collected during the month. There should be a general ledger containing a full statement of all the assets and liabilities of the State, a cash account showing the receipts and expenses, a general account in which will be entered as obligations each appropriation as it is made and approved, so that it will show the total amount of all appropriations in force at any given time, and from this book there can be drawn off on the first of each month a balance sheet, just like that in a railroad office or a large factory or any other large business, which will show the actual business condition of the State on that day, and from these accounts there can be had at any time, or any day when needed, a balance sheet showing the condition of the public business.

Heretofore, there has been no general account of the State's business and only what was practically a cash account of receipts and disbursements, and a separate account with each appropriation; but this is not enough to advise each succeeding General Assembly or the administration of the condition of the public business, nor is it enough for practical, sensible business management of the State's affairs from month to month. The accounts, as now kept, only present one element of this information, viz. the amount of cash actually received and paid out or on hand, not enough to guide the General Assembly or the State officers. It states what has been done, but affords no guide for what is to be done. Many

States have the same trouble and need the same change, and there is no reason why we should not at once adopt a Statute requiring such accounts to be kept. Because of the way in which we keep the accounts now, the apparent cash deficit in December, just after the main body of the States taxes comes in, is much less than it is soon after when they are paid out, and necessarily tends to mislead the General Assembly and the State officers.

When the Governor sends his message to the General Assembly, shortly after the State taxes for the year have come in, a very large part of the deficit is apparently nearly extinguished, but that does not change at all the actual deficit for the year, that is the amount of the excess of what we pay out over what we take in. Therefore whenever any one attempts to state the deficit, on the basis of the account we now keep, of cash received and cash paid out, the deficit will appear to be large in November just before the State taxes are paid in, and several hundred thousand dollars smaller in December just after they are paid in, though the real deficit, the difference between the revenues and the expenses and obligations, will be really substantially the same in December as in November. Some critics take the December cash account condition, apparently the most favorable time, as a basis for their comments, instead of the actual condition of assets and liabilities. This explains in part the difference between many statements as to the conditions of the public accounts and as to the deficit. Any one can truthfully say that in the cash account alone, not considering liabilities, the deficit in December is very much smaller than the deficit in November, but that is not in fact the actual condition of the public business, because that account does not take in nor consider the unpaid liabilities at all, but is simply a cash account. The amount of unpaid warrants changes from month to month according to the cash receipts, but the final balance sheet result of the public business obviously does not depend on the changes in the amount of the receipts from month to month, but on the general account, for the whole year, of all the receipts and sources of revenue on the one hand, and all of the expenditures and liabilities on the other. Such an account will show the actual business condition, while the mere cash account does not and cannot show it.

I shall hereafter request the State Inspector and Examiner to extend the existing blank form of his report of the monthly ex-

amination of the Auditor's and Treasurer's offices, which has been in use for many years, in so far as he can do so, by an additional form, showing the assets and liabilities in addition to the receipts and expenditures, but I am not sure that it will be possible for him, with his many other duties, to accomplish this. It will be easy if we provided by law for keeping such a general ledger in the Auditor's office as I have indicated, for the State Inspector and Examiner can then make a balance sheet from such a ledger, but there is at present no book kept from which he could make up such a report, and the law does not require him to keep such a book. He has already a very great amount of work and duty for one man to perform, and has done the best work ever done in that office; but the mere supervision of the examination of all of the accounts of all the offices of the State Institutions and counties, even if he employed an assistant for every place, would involve the hardest kind of work for any man, and I am therefore very sure that the Inspector would not have time to keep such a general ledger, even if it were within the scope of that office. The only proper place to keep such a general ledger is in the office of the Auditor of Public Accounts.

It has been my wish ever, since I became Governor to have such a balance sheet, to use as other business men use such statements, but I have never been able to get it under our method of keeping accounts. It seemed absolutely necessary to have our method changed and provided for a statement of the true financial condition, and in order to learn how budgets were made in other States and in all important business enterprises, I employed a firm of certified public accounts from another State, so that the examination would not be biased nor hampered by local influence or the custom and method which have been pursued, and to get the experience and knowledge of a disinterested public accountant familiar with State, County and Municipal bookkeeping and operations of this magnitude. I present with this message printed copies of the report of Harvey S. Chase & Company, of Boston.

The financial conditions of our State is in no way startling and does not show any dangerous tendency. The state is amply solvent and will pay all of its creditors, but it is my duty to show the condition that exists. There need be no material trouble, however. The General Assembly has the power and the knowledge

to supply all that is lacking, and the problem simply requires good business sense and ordinary business honesty to provide for the money which has not been provided heretofore for debts, expenses and further appropriations.

It is proper to state here that the sum of \$1,300,000.00 collected from the United States was not used to build the new Capitol, but was all paid out before payments on the new Capitol began, and all of the expenses of the new Capitol paid and to be paid over \$1,700,000.00 in the last administration and in this administration, had to be paid out of the current revenues, which were estimated for the ordinary expenses only, the surplus of which fell short of the cost by the amount of the deficit shown in the first part of this statement, so that while the Government did pay the State \$1,300,000.00 and it was nearly as much as the amount of \$1,750,000.00 paid and to be paid on the new Capitol, the sum of \$1,300,000.00 was in fact used for the ordinary expenses of the previous administration and the expenses of the new Capitol have fallen wholly on the current revenues of the last administration and of this and have helped lead up to the deficit. Nor is this administration responsible for any of it, but every dollar paid out has been required by laws enacted by the General Assemblies, and those were controlled by the Democrats.

It is persistently charged that the large deficit or debt was created during the last two years, of this administration, to make people believe that Republican mismanagement made the big debt. I have given the figures instead of bald assertions and they show that every dollar of it is due to the last Legislature making the new appropriations without providing the money to pay them. The public accounts are open to all, showing every item paid in the two years. Nothing has been or can be paid except as ordered by the Constitution or Laws enacted by the Legislature.

I ask that those who blame our administration for the debt, go over every item and point out any and every item which any one claims was not paid out in obedience to the express orders of the Legislature or the Constitution. And lastly, I ask and challenge any one who can, to point out any one of those laws or Constitutional provisions, which was not enacted under absolute control of the Democrats. I state from the books that every dollar paid out by this administration has been paid under orders of the Consti-

tution and General Assemblies, all absolutely framed under Democratic control.

What honest excuse can be given for blaming the Republican administration for obeying laws enacted and approved under Democratic control?

The Republican administration has brought to book and forced payments of large sums of money from officers and others who were not compelled to pay by the Democratic administration. It has been a more earnest and successful collector, and these moneys, with the aid of rigid economy and the increase of income under the revenue laws, has paid the money paid in the last two years on the new Capitol and part of the \$1,809,493.00 appropriated in 1908 without providing money to pay down to the present deficit of \$1,133,660.00, so that it is clear that the Democratic appropriations and not Republican mismanagement created this great deficit, for which it is the duty of Your Honorable Bodies to provide money in such way as you deem best.

You are not and never will be asked to provide money to pay any expence or debt created by this administration. You are only asked to raise money to pay appropriations made by the Democratic Legislature of 1908. Without those appropriations, this administration could have paid all provided by your laws. With those appropriations, as the books show, a Democratic administration could not have helped facing the same present deficit which confronts us, and judging from our collecting up more earnestly and closely than our predecessors, a Democratic administration in our place could not have avoided putting before you a deficit very much greater than we have. All there is of it that the State has promised to pay, and given to the University, Normal Schools and others, more than it provided the money for and now is called upon to "make good" its debts, duties and gifts and to do now what my message in 1908 warned them would have to be done.

We have a right to ask of the strongest opposition fair play and all ought to meet squarely and honestly the truth that we have been obedient to the laws and rigidly economical reducing every class of expense, and that we have never had any control of appropriations, except to pay as far as the money would go what the appropriations ordered paid, and that when, in a test case, we objected to paying because no money was provided, the Court of

Appeals ordered warrants issued anyhow. This administration, in so far as the Governor approved those appropriations, only yielded to the will of the 1908 General Assembly; laws enacted after plain warning that there was, as shown by Auditor Hager's report, on July 1, 1907, a deficit of over \$556,000.00 (since paid off) and the only deficit now is the unpaid part of the appropriations of 1908, which we did not make but advised against. If the University and Normal School appropriations and those for the State institutions and State Fair, are now blamed on the Governor, after being made over his warning, let those who find fault say they were wrong and blame their Legislature first and me for approving them. If they were right, they made the deficit and let the blame fall on those who asked and got them, the Democratic State officers, Board of Control, Prison Commissioners and Trustees of the University and Normal Schools. I thought they were right and necessary and for that reason approved them, but if they were wrong, put the blame where it belongs on those who asked and got them and on the Legislature which gave them. This administration neither asked for nor got them, but only consented by my approval, to what the opposition asked and got the opposition Legislature to give.

This administration can well afford to bear any blame for any appropriation for education, and State institutions which it approved. It need not take any blame for any expenses paid under Republican or any but Democratic control and appropriations, for no expense created by them or under Republican laws has been paid. There are no Republican laws or appropriations or expenses. They are all Democratic, without any exception. Even the repairs of the mansion were made under the old law and with the full approval of the Democratic Custodian, Capt. Lyons, and his daughter, who was appointed by me, although a Democrat, in her father's place.

The expense of the militia on active duty, though not under any appropriation of 1908, was in obedience to laws long in force and enacted by Democrats. Every dollar of it was necessary and an unavoidable expense and it restored peace, ended terrorism, violence and wrong and made free from fear and danger multitudes of homes which had been afraid for many months.

From time to time I hope to submit to the General Assembly

further messages upon important subjects, among others, on the schools, report of the Tax Commission, Charitable and Financial Institutions, Good Roads, Conservation of Natural Resources and rights of State in water powers, Militia, Penitentiaries and Indeterminate Sentences, Pollution of Streams, and such other matters as shall seem to be useful.

UNIFORM SYSTEM OF ACCOUNTING.

After improved methods of keeping accounts shall have been established in the office of the Auditors of Public Accounts, they ought to be extended to all other offices of the State, and this brings up the subject of a "uniform" system of accounting, which has been earnestly urged for some time by some of the best minds of the State.

I recommend to the General Assembly careful consideration of the laws of other States providing for such uniform systems, the latest and best of which I am informed by experienced public accountants, is that of Indiana, as the Indiana Legislature, in drafting its Statute, had the benefit of all of the previous experience of other States, and all things considered, is probably the best law enacted on the subject.

REDISTRICTING THE STATE.

The Constitution commands the General Assembly to divide the State into 38 Senatorial and 100 Representative Districts, as nearly equal in population as may be without dividing any county, except where it includes more than one district, and that the districts should constitute the Senatorial and Representative Districts for ten years. That not more than two counties should be joined

to form a representative district, provided in doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated; that General Assembly should redistrict the State every ten years thereafter according to this rule, and that if in making the districts inequality of population should be unavoidable, any advantage resulting therefrom should be given to districts having the largest territory; that no part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

The first Generaal Assembly after the adoption of the Constitution, redistricted the State in 1893, three years after the census of 1890. There was nothing done towards a reapportionment in 1903 or 1904, at the end of the ten years, three years after the census of 1900, nor until 1906, when the next redistricting Statute was enacted and approved, but the Court of Appeals held this unconstitutional and void, and up to the present, 1910, the Constitution has been persistently trampled under foot and the people of Kentucky forced to abide by the grossly partisan gerrymander of 1893 also denounced by the Court of Appeals, and the State has not been redistricted for seventeen years. If not done now, it cannot be done until the next session, 1912, nineteen years, nearly two whole constitutional redistricting periods, and the census report may not be ready even then.

In my message of 1908, I cited the opinion of the Court of Appeals, six Democrats to one Republican, declaring the act of 1906 unconstitutional and "so grossly violative of Section 33 as precludes the possibility of any attempt to apportion the State into representative districts as nearly equal in population as might be," and that the opinion of Judge Barker, declared that equality is the keystone of the Constitution; that our fathers emigrated from their European homes and threw off the government of the mother country because they were denied equality of representation; that it is a vital principle of democracy; that without equality republican institutions are impossible; that inequality of representation is a tyranny to which no people worthy of freedom will tamely submit; that equality is the basis of patriotism; that no citizen will or ought to love the State which oppresses him and that citizen is arbitrarily oppressed who is denied equality of representation with every other citizen of the Commonwealth.

Of the Act of 1893, the Court said:

"The Act of 1893 has gone into effect and the government has been organized under it. To hold it void would be to throw the government into chaos and this no court is required to do. It is now too late to question its validity; the next Legislature must be elected under it, and then, we have no doubt, the members impelled by their sense of duty, the obligations of their oath of office, together with that spirit of justice which is the heritage of their race, will redistrict the State as the Constitution requires."

In 1908, the General Assembly ignored the question. It is my official duty to bring it up again, and as Governor of this Commonwealth, under the mandate and rule of the Constitution, which is the covenant of all citizens with each other, I call upon this General Assembly to do its duty and adopt an act which shall reapportion the legislative districts of this Commonwealth according to the rule of the Constitution. Every one of us has taken the oath to uphold the Constitution which commanded the redistricting in 1903 or 1904, and our covenant, through that great instrument, has been broken for these seven years. Nothing was done in 1904. In 1906 the gross gerrymander was adopted and afterwards held void. In 1908, the Constitution was ignored and the question is whether the General Assembly of 1910 will continue to disregard the Constitution and our covenant with each other, or will keep the faith.

Several excuses have been suggested for delaying two years more or four years more what it was a duty to do seven years ago, if the census of 1900 was ready then, but none of these reasons can be sustained in fair argument. The first reason is that a census is being taken this year, and that it will be necessary to redistrict the State again after it is taken. There are several reasons why this is not sound, although honestly maintained, and one is that when a debt has been owed for eight years and its payment wrongfully delayed, it is no excuse for delaying it that the debtor will be able to pay it more conveniently two years later. Every session of delay in obeying the Constitution is a wrong and a breach of our covenant and our duty to each other. If this General Assembly does not redistrict the State, it cannot be done until the next

in 1912, nine years delay beyond the time commanded by our law, and nearly two redistricting periods under the Constitution.

There has been some increase of population in the State, but there is no claim that except in perhaps two or three mining counties, any one county has increased proportionately more than any others. In other words, there is no probability that redistricting on the census of 1910 would result in any material difference from redistricting on the census of 1900. Certainly it could not make any change in more than two or three legislative districts. I have never figured even the quotients of population for districts nor made any list of the unfair districts, but it is absolutely sure that redistricting now on the basis of 1900 would be infinitely fairer than letting it stand on the gerrymander of 1893, and the plea of delay urges us to continue a great error and injustice for fear of making a trivial one. The only districts which could gain by waiting for the census of 1910 as a basis, instead of proceeding under the census of 1900, would be two or three Republican districts, and surely the majority cannot earnestly wish a delay continuing the great wrong in order to avoid a chance of slight injustice to those districts, and those districts would not wish to bear their present wrongs two years or four years longer for the chance of just a little better division then. It is by no means clear that a second redistricting will be required after the census of 1910 before the expiration of ten years from this session, and if it should be required by the Constitution it is not certain that the General Assembly, in the face of waiting seventeen years until now, or nineteen years to 1912, would take it up promptly after the census of 1910. On the contrary the probabilities are that it would not.

The redistricting which was due in 1902 or 1904 has been due ever since and ought to be made even if another should come in 1912 or 1914, and if it should be made now and made over again in 1912, it will be very easy as there will be no material change two years or four years from now if the work is done honestly and squarely now according to the Constitution.

We all know that if the redistricting were very unfair to the Democrats and there was a Democratic Governor and a Republican Legislature, the Democratic Governor would present the facts and the law to the Republican General Assembly, prompted to do it, as I am now prompted, and that he would do it as an honest man

and conscientiously and that his request would be just, because that is what the law and his oath of office pledges every Governor and every member of the General Assembly to do, and that is what both parties, professing to uphold the Constitution and the law, pledge to all of the people. It is the rule of elections which we have covenanted and agreed upon with each other in the Constitution. It is what every man in the State knows is simply right and what he ought in honor to wish and to do.

When it is right and it is asked, the excuse given by many that the other side would not do it if they were in power, is not the excuse of a good man or a true man. This, like the plea of waiting until after the next census is simply an excuse for not doing our duty, what the law and our oaths pledge us to do, nor do I believe that the other side would not do it if conditions were reversed. It is true that the other side has refused in some States, but it is also true that both sides have decided on fair districting in a greater number of states than those in which they have clung to injustice and unfairness. In other words, more people are honest in both parties than dishonest, and both parties are honest and square in more States than they are dishonest or unfair in, and further than this, I have grown up in the faith that the path of honor is the path of the only true success, and there is no better proof of it than the history of our State and the result of the gerrymanders here.

The General Assembly, with a two thirds Democratic majority, is strong enough to be able to afford to do right. Can it be that a redistricting according to the Constitution, the geography and the census could endanger a party with that majority? If you cannot afford to do it with two-thirds majority, how much must you have before you can? If you won't do it now when it is perfectly safe, will you ever do it? The obligation is just as binding when the parties are so close that a fair division might change control, but not even the poor excuse of danger of such change is left to a member of the majority now, for refusing to do what the law makes a duty. But no majority can be so great, no faction so overwhelming that a course which offends the conscience and judgment of the best men in the party cannot make its future doubtful. Pennsylvania elected Governor Patterson when it had a Republican majority of 500,000, Ohio has elected Governor Harmon. We have had some

striking changes in Kentucky, and in every case, it was because party control grew so self-centered that it ignored the conscience and honor of good people.

After discussing this matter with a great many good men of both parties, I felt it my duty to find out what was just and right under the Constitution and then to present that to the General Assembly as part of my message, and I invited ten gentlemen of those most widely and favorably known in the State, a bi-partisan body, five Democrats and five Republicans, two of the Republicans having been formerly Democrats and being generally Democratic in their sympathies, and I asked them to take the Constitution, the geography and the census and prepare and submit to me a plan to redistrict the State honestly and fairly under the rule of the Constitution. Of those gentlemen, the Democrats were Judge Alex P. Humphrey, of Louisville, Hon. John K. Hendrick, of Paducah, Hon. John F. Hager, of Ashland, Hon. C. U. McElroy, of Bowling Green and Mr. James D. Black, of Barbourville, all well known and life-long, staunch Democrats; and Col. Andrew Cowan, of Louisville, Mr. O. H. Waddle, of Somerset, Mr. T. L. Edelen, of Frankfort, Mr. L. J. Crawford, of Newport, and Mr. John T. Shelby, of Lexington, were the Republicans. All accepted the invitation and have submitted their report to me showing what they have found by a careful consideration of the facts to be as fair a re-districting as possible. They wisely agreed, from the first, to make no changes except when required by the law of equal representation. I have not yet made the calculation, but I know that such men, acting in the spirit in which these men have acted, can be trusted, and I trust them and transmit their report and ask the General Assembly to examine it carefully and to redistrict the State in accordance with that report. I am sure they will be glad, and I will be glad, if there be found any error in it, to have that error corrected. They claim no consideration for this report except upon the merits. The Governor disclaimed any authority to appoint a Commission having legal power in the matter, but if he had not invited these gentlemen to act, any citizen of the State had a right to make the calculation, and if he believed it right, to ask the Governor to recommend it and the General Assembly to adopt it. The Governor had a right to submit any plan which he believed just. It was his duty to do it and he had a right to try to get a perfect fair, non-

partisan calculation made by men competent to do it and to submit that on its merits. There is no reason for the talk about the Governor trying to "govern by commission." These ten men are not in that sense a commission. They are ten citizens entitled to respect for their ability and their character, who have made the calculations and all say that this report is a fair redistricting measure, and the Governor believes it and approves it and passes it to the General Assembly. One of the ten gentlemen, Mr. Hager, favors waiting for the census of 1910 before redistricting, but all agree that this measure is right under the census of 1900, and when ten such men, equally divided and earnestly opposed in politics, unanimously agree that this calculation is correct, all men can trust it. I hope it will be approved by your session.

It would be the duty of the Governor, of whatever party, and it is my duty, to call the attention of the General Assembly to the fact that the solemn mandate of the Constitution to district the State as equally as practicable, was disobeyed in the gerrymander of 1893 and has been disobeyed and violated ever since, with Democratic majorities in both Houses, in every General Assembly but one since 1893, now nearly seventeen years, and in 1906 was so violated that the Court of Appeals declared the act void and "so glaring that it precludes the possibility that there was any attempt to equally apportion the representative districts." I pointed this out to the General Assembly of 1908, and now, once more, I call this General Assembly's attention to this violation of the Constitution ever since the census of 1899, and to the hope and belief of the Court of Appeals which had no doubt that the members of the next Legislature "impelled by their sense of duty, the obligations of their oath of office, together with that spirit of justice which is the heritage of their race, will redistrict the State as the Constitution requires."

Once more I lay the facts and the law before the General Assembly and express the Governor's earnest hope and faith that you, and each of you, impelled by your sense of duty and the obligations of your oath of office and that spirit of justice which is the heritage of your race, will do justice, obey the Constitution of Kentucky and redistrict the State as the Constitution, which you have sworn to uphold, commands, and will not add two or four years more to the violation of duty for any unfair partisan advantage nor add one

whole Constitutional period of ten years in this violation of the Constitution, to the history of Democratic General Assemblies, and I will keep the faith and give a square deal.

If you fail to obey the law now, when you have more than two-thirds of each House, will it not be taken as plain notice to the people of Kentucky that the only way to get justice and secure their Constitutional right to equality, is to change the control of the Legislature?

Every member and every citizen knows what the duty is. It is clear and plain. No one has any doubt or uncertainty about it. It is just as plain now as it will be after the census of 1910. Five of the best known Democrats of Kentucky, of State-wide fame and prominence respected by all who know them, and five Republicans of the same standing, agree that the report which I transmit with this message is in accordance with the rule of the Constitution, but one of the Democrats, Mr. Hager, and Mr. Shelby, favor delay until after the census of 1910. I transmit with this message the report of these ten representative Kentuckians and the letter of Hon. John F. Hager, and leave the question, where the law leaves it, with the General Assembly, hoping earnestly that the Kentucky spirit of justice and fair play will rule your deliberations and decision on this most important of all subjects before you and that your decision will be worthy of your race and its best traditions and end this cause of just reproach. The wrong committed by a combination of men of a great party in depriving thousands of citizens of their honest right to equal representation is far greater and more dangerous than a wrong done by an individual, and the obligation of a great party declaring honorable motives and purposes, to do what is honorable between gentlemen, or man and man, is surely far greater than that of any one man alone. No just man will believe that the majority of the Democratic party of Kentucky, which you here represent, wishes to continue the seventeen years of injustice and unfairness indefinitely and at least two years longer. I trust in Kentucky courage, honor and fair play

THE COUNTY UNIT BILL.

I pledge my support in 1907 to the enactment and enforcement of a uniform local option law with the County as its governing

unit, because I believed in it. In my first and in a later message, I believed then and believe now that it was then and is now the serious wish of a great majority of the people of Kentucky, and notwithstanding the refusal of the last General Assembly to enact it, I present it again, and again earnestly commend this measure to your consideration and ask that it be adopted, and I shall keep the faith and sign it if it be enacted.

It is a subject properly considered at most regular sessions, presents no extraordinary emergency to justify a special session, but is one of the best subjects ever known to man for arguing and voting a man's real sentiments, and I hope that it will be promptly brought to a square vote on the merits and not killed by parliamentary tactics.

THE NEW CAPITOL.

The new Capitol is a State House worthy of Kentucky, our people, and our times, one of the most interesting and impressive of all the structures of its type in our country. The very best art, design, materials, construction, machinery, apparatus, fixtures and furniture known, have been employed and used. The view from the outside, while having many general features of other Capitols, is of unusual beauty and impressiveness. The great hall within, around which the Legislative chambers, the court room and Executive offices are clustered, is the noblest and most beautiful that I have ever seen or seen pictured. The great arches, the massive columns, the marble staircases and balustrades, the great dome and rotunda, make a picture which is a noble memorial to the art, the knowledge and the skill of the architect.

The greatest credit is due to the preceding administration for the choice of the architect, the good judgment, ability and the wise care and management in planning, making the contracts and watching over their execution until they turned the building over to their successors.

Our Commission has kept the same architect and superintendent, and has had the help of their ability and familiarity with the

building from the foundation up, and they have been faithful to duty. We have continued the work of finishing the Capitol building and constructing and equipping the power house and tunnel, completing the terrace and approaches, the equipment and furnishing and finishing the building, with earnest, watchful care and economy. The State House has all of the latest improvements for ventilation, heating, lighting and vacuum cleaning. It houses comfortably all of the departments of the government. No doubt in time more room will be needed, but the architect has provided for that, and so planned it that a wing can be built out from the south in architectural harmony with it as it now stands.

The appropriation of 1908 was divided into different sections, some of which provided more money than that part of the work needed and some too little. I hope that any appropriations made by this General Assembly for this work will be in a lump sum indicating the purposes for which the whole amount is to be spent, and leaving it to the discretion of the Commission as to how much shall be set apart for each branch of the work.

The Act of 1908 appropriated \$75,000.00 for filing cases, almost twice as much as could be wisely used. Some departments have now more filing cases than they can use in twenty years. The amounts were fixed by the appropriation bill and the General Assembly thought each would be necessary, and it is only since they were put in that it has been found we have far more than we need, but after all had been put in, there was still a large sum of money in the filing case appropriation. The Commission, after counseling with those who seemed best fitted to advise, decided that the purpose of the Act of 1908 was to finish the Capitol, and have therefore used some of the excess of the appropriation for filing cases and for furnishings in other parts of the work when necessary to do so. For instance, the architect urged, and it seemed to us he was clearly right, that the cement floors, specified in the original contract for the corridors about the central hall, were not in keeping with marble and polished granite, and advised that they be paved with marble and verde antique borders. There was not enough money in the original appropriation for construction to do this, and it was necessary to put in the cheap and common looking cement floors or to use part of some other appropriation for this purpose, and finally it was decided to use part of the appropria-

tion for furnishing and **floor coverings**, and this has been done at a cost of about \$22,000.00. If it had not been done, it would have been necessary later on to take up the cement floors and put in those which we have put in. Looking back after they have been put in, it seems to me that no one can doubt that the architect was right, and that it was our duty to the people and to the work of finishing the State House, to have this done. I report to the General Assembly and ask that the action of the Commission in this respect be ratified and approved by a clause in the new appropriation act.

The appropriation for the improvement of the grounds was wholly insufficient for the work that had to be done, and for this reason, part of the appropriation for file cases has been used in that work, under the advice of the architect and under the evidence of our own eyes that it was necessary. I ask that the new appropriation bill ratify this use of the appropriation of 1908.

It is a just cause of satisfaction to know that the whole cost up to date of grounds, approaches, building, power house and its extensive machinery and equipment and the equipment and furnishing of this splendid building, with its most improved apparatus for heating, ventilation, electric light, vacuum cleaning and the best furniture and fixtures that money could buy, is not over \$1,750,000.00 and that we can hope that the total cost, when finished, including interior decorations, the northern and western approaches to the building, the grading, sodding, planting, roadways and paths, complete, will not exceed \$2,000,000.00. This, however, does not include the cost of any extensions of the grounds.

I am very glad to put on record here in this public way and in this message, as part of the history of Kentucky, that the people have a right to be proud of their Capitol and of the work done on it by all who have had a part in voting for and building it, and that the whole history of its building and furnishing is clean and free from reproach. The statement sometimes published that the present Governor in his campaign charged graft in the new Capitol, is, I am glad to say, without any truth. I had no proof that there was graft and I did not charge it. I have paid this tribute to my predecessors and those of the opposite party who have deserved well of the State for their work on the new Capitol, because it is part of the nature of a true man worthy of Kentucky, which is shown even in the sports of our youth, to heartily cheer our rivals

when they deserve it, and I claim no credit, but simply do what I feel like, in giving this cheer for my predecessor and his associates for what they have done for this Capitol, and it is with real pride and pleasure that I cast this bouquet "over the garden wall of party politics."

I have done my part in studying, showing and preaching to the people the faults and mistakes, as I saw them, of the Democratic Party, but none the less, it has always been to me "The Delightful and Interesting Democratic Party of Kentucky," and while I hope to be spared to dwell upon this theme to a ripe old age, this Capitol never has been and never will be held up by me to the people as anything but an honor and a credit to that party, from the time it was begun, up to the time when it was turned over to the present Commission.

We have built and finished the splendid and impressive terrace work, power house, machinery and tunnel, substituted marble for cement floors in the halls, covered the walls with hangings, canvas and velvet, put in the furniture, lighting fixtures, file cases, safes and vaults, done a very large part of the work on the grounds, and started the use of the building.

In selecting the furniture, it was our judgment that the very best is in the long run the cheapest, and while we have shunned elaborate carving and ornamentation, we have paid what was necessary to get the very best electric light and heating plant, machinery, apparatus, fixtures and furniture that money could buy, and we have the best that we have seen in this country. While the Capitol Commission had the discretion as to what furniture and fixtures to select for all three departments, we submit to you that we have furnished for our associate departments the very best we could get, in no way favoring the Executive Branch or the members of the Commission. The Court room and the accomodation for the Judges are surpassed by none that we know of. The desks, chairs and other furniture of the Senate and House are the best ever furnished to any Legislative body, better than those used in Congress, the best work of the highest grade of furniture making, and we hope that they will be of the greatest comfort and convenience to the members.

The decoration of the Senate and House is not finished because the cost for the Court and Executive offices, which had to be ready

first, exhausted the appropriation, and also because the architect and Commission had not reached a conclusion as to mural and interior decoration of the halls and these chambers, and it was necessary to consult with the General Assembly and have it make the appropriations, before making plans for these matters.

I have not yet such knowledge and information that I feel qualified to advise the General Assembly, usefully, as to the amount which should be appropriated or the character of the decorations. Out of other appropriations we have paid \$7,000.00 to a new artist, on the earnest advice of the architect, for the lunettes over the entrances to the Senate and House. They seem to be very beautiful and appropriate and to relieve the surroundings. I ask the members to consider whether they wish mural decorations in the dome and halls and Legislative chambers, or whether they wish the walls and ceilings covered, painted and finished in good but less expensive ways. We could not undertake or make plans for these decorations until the Legislature fixed the amount to be used, but when that is done, we shall seek the best advice and highest artistic skill of the architect and other competent authorities safely trusted before, as to how to spend the money. Mural decoration, whether good or bad, is very expensive, and it cannot be done rapidly. It must be planned and carried out carefully and slowly, and it cannot be considered in detail by the Legislature, as it has not the time, and is not in session when the work is being done. In every building, this kind of work has to be trusted largely to the architect and the officers in charge of it.

The building and furnishing of the new Capitol, so far as they have gone, have, under honest and wise management, cost only a small part of the amount which less beautiful and useful State Houses have cost almost every other State. It is an honor to all who have had a part in making the laws under which it has been carried forward towards completion, and to all who have planned and worked for it and watched over it and there is no State House in the United States more beautiful or better fitted for its uses than ours. Every citizen of the State will be proud of it. Every Executive officer, Judge and Member of the General Assembly will find in its impressiveness, beauty and dignity, in its splendid furnishings and equipment and in its site a new impression of the nobility, dignity, honor and power of a great people. It is American, Ken-

tucky and human. The site is a noble one, on a splendid foot hill above the beautiful Kentucky River, a tract of very great natural advantages and beauty, and a natural amphitheatre, surrounded by beautiful hills as a back ground to the Capitol and its grounds.

The Capitol Commission chose Mr. Olmsted, the landscape architect of the highest authority in both America and Europe, to superintend the work of completing the grounds. I am very glad to bring as a witness to the foresight and good judgment of those who chose this site, his statement that it is one of the most beautiful locations that he has ever seen, and that when it is completed, no Capitol in this country will have surroundings of greater dignity and beauty than we have in Kentucky.

The grading of the northwestern part of the grounds, while not sodded nor planted, is nearer done than any other part, and from it we can get some idea of what Mr. Olmsted's plans promise when they shall be complete. It can be seen now that our State will have Capitol grounds of new and interesting outlines, very different from any ever seen before and of striking impressiveness, and at a very reasonable cost.

The architect has been very earnest in his advice that in order to protect the view of the Capitol from unfit and unseemly surroundings and to preserve the beautiful background of the hills behind it, the State should acquire the slope of these hills to the top and thus preserve the picture of a beautiful green-walled amphitheatre, unmarred by gashes cut in the side hills for roads, by cheap tenements, stables, sheds and other disfigurements, and I believe that it is of the greatest importance that this should be done, and that it is not extravagance but wise economy to do it at once, because it can be done now at less cost than ever afterwards.

The architect has also urged upon us the necessity of a broad and commanding approach and of extending the grounds in front of the new Capitol. The land first bought had a much narrower approach than it has now, and the north line was not a straight line, but a zig-zag line. The Commission has gone to the limit of its power under the appropriation in buying land on each side to widen the main approach and to straighten as far as possible the North line as it now exists, and it is straight from Shelby Street to a point not far east from Capitol Avenue and then runs south-eastwardly. Since the approach was marked out and partly filled,

it has become plainer every day that the houses, sheds, outbuildings and hollows northwest and northeast of the Capitol grounds and between them and Todd Street, take away from the beauty and impressiveness of our State House, something which we cannot afford to lose, and while there is great need for economy and prudence in the State expenses, it is not economy but short sighted waste to delay longer the purchase of all of the land north of the Capitol grounds to Todd Street. I know that this will cost far more than the main grounds have cost, but this Capitol and the investment in it is not for a day nor a year, but for all the ages to come, and if the land to Todd Street and the slopes of the hills are bought now, they will be good and beautiful for all the generations after us. We shall then have a noble building in the center of a splendid tract with the State House as the central picture and free from everything which could detract from its beauty and impressiveness, and the total cost will not be enough to be a burden upon the whole State. Your own view of the scene now makes the need plain, and it will press itself on all who come after us as more and more necessary, and the longer we put it off, the greater the cost.

I am advised by the Attorney General that there is no power to condemn land for the new Capitol, so that without a Statute, providing for condemnation, no land can be bought except at owner's price, and this would force the State either to give up the extension of the grounds or leave in the midst of the landscape such tracts as could not be bought without extortion on the treasury, and I therefore ask this General Assembly to enact a law giving the Capitol Commissioners the power to condemn. With such a law, if extortion is attempted, they can proceed in the Courts to get the land needed.

It is easy to see that the extensions suggested will make one of the most beautiful capitol parks in our country and one worthy of the splendid building.

The old Capitol is owned in fee simple by the State. The Attorney General has examined the title, and reports that the State has the same control over this property as any other real estate owned by it. It was, in its time, well suited to its uses and is rich in noble memories and traditions of high-minded men and great deeds; but the business of the State outgrew it many years ago,

and a larger, better building, with better equipment and surroundings became necessary to properly house our government. The Executive Department moved into the new Capitol late in the Summer, the Court of Appeals in September, and now the Legislative Branch has come into its own new Legislative halls.

For the Capitol Commissioners, I beg leave to express their pleasure in having the Legislative Branch take possession of their quarters in the new Capitol, and wish to say that their best care and work have been given to making these quarters, provided in the architect's plans for the Legislative and Judicial Branches, worthy of the associate departments. Our Court of Appeals is one of the best courts in the country and an honor to the best traditions of that great tribunal, and we have tried to give them a Court room and chambers second to none in the country.

The same care and respect have been given to the Legislative Branch and we trust will receive your approval.

This splendid State House is not only beautiful in itself, but it is the heir and treasure house of the old Capitol and of all of the wealth of more than a hundred years of Kentucky virtue, honor, wisdom, love of humanity, country and State, of all of the splendid character, courage, manhood, statesmanship, eloquence, dignity and common sense, which made the time-honored old Capitol and its predecessors distinguished in the history of mankind, and added a generous part to the total of human character, knowledge and progress.

THE GENERAL WELFARE.

The year 1908 was a year of depression, but our business and our banks stood the panic far better than those in almost any other State. The year 1909 has been a year of general renewal of all business activities. Our farmers have sowed and reaped more than they ever did before and have had the greatest reward for it ever known in the history of Kentucky. Exceptionally good conditions of peace and good order have prevailed and our

people have followed their daily work, under the protection of our institutions, safely, happily and profitably, and we look forward to a year of continued usefulness, prosperity and contentment. Only the usual portion of toil and care seem before us. No dangers or disorders cloud the happy prospect. There seem to be no exceptional distresses, wrongs or hardships calling for official relief. No tide of partisan or factional strife or anger clouds our naturally kindly native Kentucky and American dispositions. There is nothing to hinder our being partners in spirit as well as in law and being friendly, just and kind to each other and to all. There is every inducement to this course and no hindrance. The minority cannot expect political favors. The majority cannot take them without hurting itself, and, we have hope and faith, do not wish it. The conditions are unusually fair for the consideration of every measure which comes before you, simply on its merits, and without prejudice, bias or partisanship, looking only to the good of the people and our State.

Our Southern States have their full share, and we hope a little more, of the general prosperity of the country. Property values in the South have increased between 1880 and 1909 from seven and one-half billions of dollars to more than twenty-one billions. Kentucky, from nine hundred millions to seventeen hundred and sixty millions; the assessed valuations from three hundred and seventy millions to about eight hundred millions. This summary is the result of similar gains in farm products, manufactures, metals, bank deposits, etc. The proportionate increase in the South is greater than in the rest of the country. Kentucky is third in population in the fourteen Southern States, and is twelfth in negro population of the fourteen Southern States. In other words, only two Southern States have a smaller proportion of the colored people. Kentucky in 1860 had a little over 1,100,000 people. It has now something over 2,400,000 people. From 1860 to 1909, the negroes in Kentucky only increased from 236,000 to 291,000. The foreign born inhabitants decreased from 60,000 to 50,000. Our general farm crops increased from \$66,000,000.00 in 1899 to \$93,000,000.00 in 1908. Only West Virginia of all the Southern States produced more coal than we did.

President Finley, of the Southern Railroad, at Salisbury, in November, said very truly:

"Our Southern States, with their wealth of natural resources, their advantage of climate, and their energetic and enterprising people, look forward to a great and prosperous future. We have witnessed wonderful progress in Southern industrial development in recent years. The development will continue, but, in my opinion, it will be no more important than our agricultural progress. As population increases and as the consumption of farm products expands, our farmers, by the adoption of improved agricultural methods, will be able to keep pace with the increasing demand. * * * I believe that, with the increasing profitability of farming and the increased attractiveness of farm life growing out of improved highways, better country schools, more general attendance on agricultural colleges, more attractive farm residences, telephones, and rural mail delivery, we shall hear less in the future of the young people leaving the farm, etc."

It is now appointed for the Legislative, Judicial and Executive Departments, holding fast to all the treasures of our history, to take our part in these splendid surroundings, in the history of the growth of Kentucky in power, wisdom and honor and to strive to leave here an honorable record of our time and our work. We have all the help and light of all the history, glory and honor of our fathers who carried on the government in the old State House. We have a great chance, even a better chance than they had, to do more for the good of the people and for education and progress. We must carve out for ourselves the history which will record whether, in these newer, greater and better surroundings and with these so far greater chances to be useful, we shall work as hard, wisely, faithfully, honorably and as well as those who held power and office before us, for newer, greater and better achievements for the welfare of the people, and whether we, in our turn, shall have tried faithfully to leave as good an example for those who are to follow us as those who came before us have left to us.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Louisville, Ky., December 22, 1909.

HON. A. E. WILLSON,
Governor of Kentucky,
Frankfort, Ky.

DEAR SIR:

Some time since you asked us to meet together with a view to preparing a plan of redistricting the State into Legislative and Senatorial districts. You suggested that we might also consider certain other matters. The time at our disposal has prevented us from doing anything more than attempting to carry out the primary purposes of our appointment.

Section 33 of the Constitution reads as follows:

"The first General Assembly, after the adoption of the Constitution, shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District; Provided, in doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, re-district the State according to this rule, and for the purposes expressed in this Section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous."

The First General Assembly divided the State into 38 Senatorial Districts and 100 Representative Districts. In 1906 the Legislature passed another act upon this subject. This act, however, was declared unconstitutional by the Court of Appeals, in

the case of *Ragland vs. Anderson*, 114 Ky., 141, because it did not conform to the Constitution. The result is that although some sixteen years have passed since the first districting there has been no valid new districting.

In attempting to divide the State into Senatorial and Representative Districts we have felt assured that there were only three things to be considered: the rules laid down in the Constitution, the Census and the Map of Kentucky.

That the present system does not conform to the Constitution is evident from even a cursory examination of it. In determining this, reference must be made to the last census of the United States, viz.: that of the year 1900. This census shows the population of Kentucky to have been 2,147,174. Dividing this by 100 you have 21,471 for each Representative District; and dividing it by 38 you have 56,504 for each Senatorial District.

Of course it is impossible, under the rules laid down in the Constitution, to have an exact equality in the population of either Representative or Senatorial Districts.

The Constitution requires that no county shall be divided except where it may include more than one district, and, further, that no part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous. In the present apportionment there are 24 districts, of one county each, and each containing less than 15,000 inhabitants. Of these one contains only 8,914. On the other hand, there is one district, composed of four counties, having an aggregate population of 40,568; another, composed of two counties, having an aggregate population of 42,387; and a third (one county), having a population of 37,962. In the scheme which we propose we have been compelled to make only four districts with less than 15,000, and our smallest district contains 10,533; while the most populous district in our scheme (Hopkins county) has a population of about 31,000. We have felt constrained to give Graves county, with a population of 33,204, two representatives instead of one; to Christian county, with a population of 37,962, two representatives instead of one; and to Henderson, with a population of 32,907, two representatives instead of one; and to reduce the representation of Warren, with a population of 29,970, from two to one; and to increase the representation of Jefferson county from eight to ten,

Jefferson county having a population of 232,549, and the ratio as given above being 21,471.

We believed that we were compelled, by reason of their location, to give to Meade a representative although it has a population of only 10,533; also to McLean, with a population of 12,448; and to Adair, with a population of 14,888; and Washington, with a population of 14,182. Each of these counties, with the exception of Adair, has now a representative.

Where more than one district is embraced in a county we have not attempted to fix the boundaries of those districts, as in that matter the advice of persons having a more special local knowledge of the geography of the country would be desirable.

The following apportionment, we believe, conforms to the rules laid down in the Constitution.

When we come to the re-apportionment of the State for Senatorial Districts we encounter a difficulty which is not met in the apportionment of Representatives. We have 38 Senators. Their terms are four years. One-half of them go out at the end of each two years. It happens that the Senators representing the even numbered districts were elected for a term of four years last November. This brings for the year 1912 (the first date at which a re-apportionment bill could affect an election) a choice of Senators in the districts having odd numbers. In making a re-apportionment, therefore, it was necessary to see to it that no county should have a double representation in the Senate; that is, a representation by a hold-over Senator and a representation by a newly elected Senator. This made a most serious complication in the problem of re-districting. The Commission called to its aid Judge Charles B. Seymour of Louisville. It happened that he had already given a great deal of attention to this matter of re-districting the State, and had made most valuable suggestions to the Commission. Judge Seymour proposed a plan for Senatorial re-districting which the Commission adopted without change, disregarding one of their own which had been tentatively adopted but which was found to be not practicable by reason of this factor in the problem.

In the existing apportionment of Senators there are most glaring inequalities. Thus there is one district, containing three counties, with a population of 33,886; three districts of Jefferson county with a population of over 75,000 each; a district composed

of ten counties, with an aggregate population of 115,855; and another district, composed of seven counties, with an aggregate population of 129,950. In the plan proposed by Judge Seymour, and which the Commission recommends, the district having the least number of inhabitants is the 10th—three counties, with a population of 39,981; and the district having the largest number of inhabitants, composed of two counties, is the 6th, with a population of 68,957. We therefore recommend the following plan for Senatorial Districts.

SENATORIAL DISTRICTS PROPOSED BY COMMISSION.

1. Hickman, Fulton, Graves -----	56,495
2. McCracken, Marshall, Ballard, Carlisle -----	63,381
3. Lyon, Livingston, Calloway, Trigg -----	52,379
4. Caldwell, Crittenden, Webster -----	49,798
5. Henderson, Union -----	54,235
6. Christian, Hopkins -----	68,957
7. Ohio, Muhlenberg, Butler -----	63,924
8. Daviess, McLean -----	51,115
9. Logan, Simpson, Todd -----	54,989
10. Breckinridge, Hancock, Meade -----	39,981
11. Warren, Allen, Edmonson -----	54,701
12. Hardin, Grayson, Bullitt -----	52,417
13. Marion, Washington, Taylor, Green -----	53,802
14. Nelson, Shelby, Spencer, Larue -----	53,097
15. Pulaski, Rockcastle, Whitley -----	68,724
16. Clinton, Cumberland, Adair, Russell, Wayne -----	56,308
17. Laurel, Knox, Bell, Jackson -----	61,226
18. Lincoln, Boyle, Garrard, Casey -----	58,062
19. Barren, Metcalfe, Monroe, Hart -----	64,628
20. Anderson, Franklin, Mercer -----	45,329
21. Owen, Henry, Oldham, Trimble, Carroll -----	56,348
22. Woodford, Scott, Jessamine -----	43,135
23. Madison, Estill, Powell, Lee, Menifee -----	58,525
24. Kenton -----	63,591
25. Campbell -----	54,223
26. Bracken, Pendleton, Grant, Gallatin, Boone -----	56,656
27. Fayette -----	42,071

28.	Bourbon, Clark, Montgomery, Bath -----	62,331
29.	Rowan, Lewis, Fleming, Carter -----	63,434
30.	Nicholas, Harrison, Robertson, Mason -----	55,876
31.	Floyd, Pike, Martin, Johnson -----	57,748
32.	Boyd, Greenup, Lawrence, Elliott -----	64,265
33.	Clay, Leslie, Harlan, Perry, Letcher, Knott -----	58,107
34.	Magoffin, Breathitt, Morgan, Wolfe, Owsley -----	54,758
35.	Jefferson -----	} 232,549
36.	Jefferson -----	
37.	Jefferson -----	
38.	Jefferson -----	

REPRESENTATIVE DISTRICTS PROPOSED BY COMMISSION.

1.	Fulton, Hickman -----	23,291
2.	Ballard, Carlisle -----	20,956
3.	Graves -----	16,602
4.	Graves -----	16,602
5.	McCracken -----	28,733
6.	Calloway -----	17,633
7.	Marshall, Lyon -----	23,011
8.	Livingston, Crittenden -----	26,545
9.	Trigg, Caldwell -----	28,683
10.	Christian -----	18,981
11.	Christian -----	18,981
12.	Hopkins -----	30,995
13.	Webster -----	20,097
14.	Union -----	21,326
15.	Henderson -----	16,453
16.	Henderson -----	16,453
17.	Daviess -----	19,333
18.	Daviess -----	19,334
19.	McLean -----	12,448
20.	Muhlenberg -----	20,741
21.	Todd -----	17,371
22.	Logan -----	25,994
23.	Butler, Edmonson -----	25,976
24.	Ohio -----	27,287

25.	Simpson, Allen -----	26,281
26.	Warren -----	29,970
27.	Grayson -----	19,878
28.	Hancock, Breckinridge -----	29,448
29.	Meade -----	10,533
30.	Hardin -----	22,937
31.	Hart -----	18,390
32.	Barren -----	23,197
33.	Larue, Taylor -----	21,849
34.	Green, Metcalfe -----	22,242
35.	Monroe, Cumberland -----	22,015
36.	Clinton, Wayne -----	22,763
37.	Adair -----	14,888
38.	Casey, Russell -----	24,834
39.	Marion -----	16,290
40.	Nelson -----	16,587
41.	Washington -----	14,182
42.	Anderson, Mercer -----	24,177
43.	Spencer, Bullitt -----	17,008
44.	Jefferson -----	23,254
45.	Jefferson -----	23,254
46.	Jefferson -----	23,254
47.	Jefferson -----	23,254
48.	Jefferson -----	23,254
49.	Jefferson -----	23,254
50.	Jefferson -----	23,254
51.	Jefferson -----	23,254
52.	Jefferson -----	23,254
53.	Jefferson -----	23,254
54.	Oldham, Henry -----	21,698
55.	Trimble, Carroll -----	17,097
56.	Owen, Gallatin -----	22,716
57.	Boone, Grant -----	24,409
58.	Shelby -----	18,340
59.	Franklin -----	20,852
60.	Scott -----	18,076
61.	Fayette -----	21,036
62.	Fayette -----	21,036
63.	Woodford, Jessamine -----	25,059

64.	Boyle, Garrard -----	25,859
65.	Lincoln -----	17,059
66.	Pulaski -----	31,293
67.	Whitley -----	25,015
68.	Knox -----	17,372
69.	Laurel -----	17,592
70.	Rockcastle, Jackson -----	22,977
71.	Clay, Owsley -----	22,239
72.	Madison -----	25,607
73.	Estill, Powell, Lee -----	26,094
74.	Clark -----	16,694
75.	Morgan, Wolfe -----	21,556
76.	Bourbon -----	18,069
77.	Harrison -----	18,570
78.	Pendleton, Bracken -----	27,086
79.	Mason -----	20,446
80.	Robertson, Nicholas -----	16,852
81.	Kenton -----	21,197
82.	Kenton -----	21,197
83.	Kenton -----	21,197
84.	Campbell -----	27,111
85.	Campbell -----	27,111
86.	Lewis -----	17,868
87.	Fleming -----	17,074
88.	Bath, Rowan -----	23,011
89.	Montgomery, Menifee -----	19,652
90.	Breathitt, Magoffin -----	26,328
91.	Bell, Leslie -----	22,454
92.	Harlan, Letcher -----	19,010
93.	Perry, Knott -----	16,980
94.	Pike -----	22,686
95.	Floyd -----	15,552
96.	Johnson, Martin -----	19,510
97.	Lawrence -----	19,612
98.	Boyd -----	18,834
99.	Elliott, Carter -----	30,615
100.	Greenup -----	15,432

The above recommendations are submitted with the hope that

they may at least be useful in the framing of a bill at the coming Legislature which is demanded, it seems to us, in so many words, by the provisions of our Constitution.

Respectfully submitted,

ALEX P. HUMPHREY, *Chairman*,
 JAMES D. BLACK,
 ANDREW COWAN,
 C. U. McELROY,
 JOHN T. SHELBY,
 O. H. WADDLE,
 JOHN K. HENDRICK,
 L. J. CRAWFORD,
 T. L. EDELIN,
 JOHN F. HAGER. (See letter attached.)

Ashland, Ky., December 27, 1909.

HON. ALEX P. HUMPHREY, *Chairman*,
 Louisville, Ky.

DEAR SIR:

I regard the plans agreed to be reported by you as Chairman of the Commission for redistricting senatorial and legislative districts as the best attainable based upon the Federal census of 1890. As in all like matters, the report does not in all respects represent my own or the individual views of each member. As a whole and as the result of proper deference to the views of each, the report has my approval subject to the following general expression as qualifying such approval:

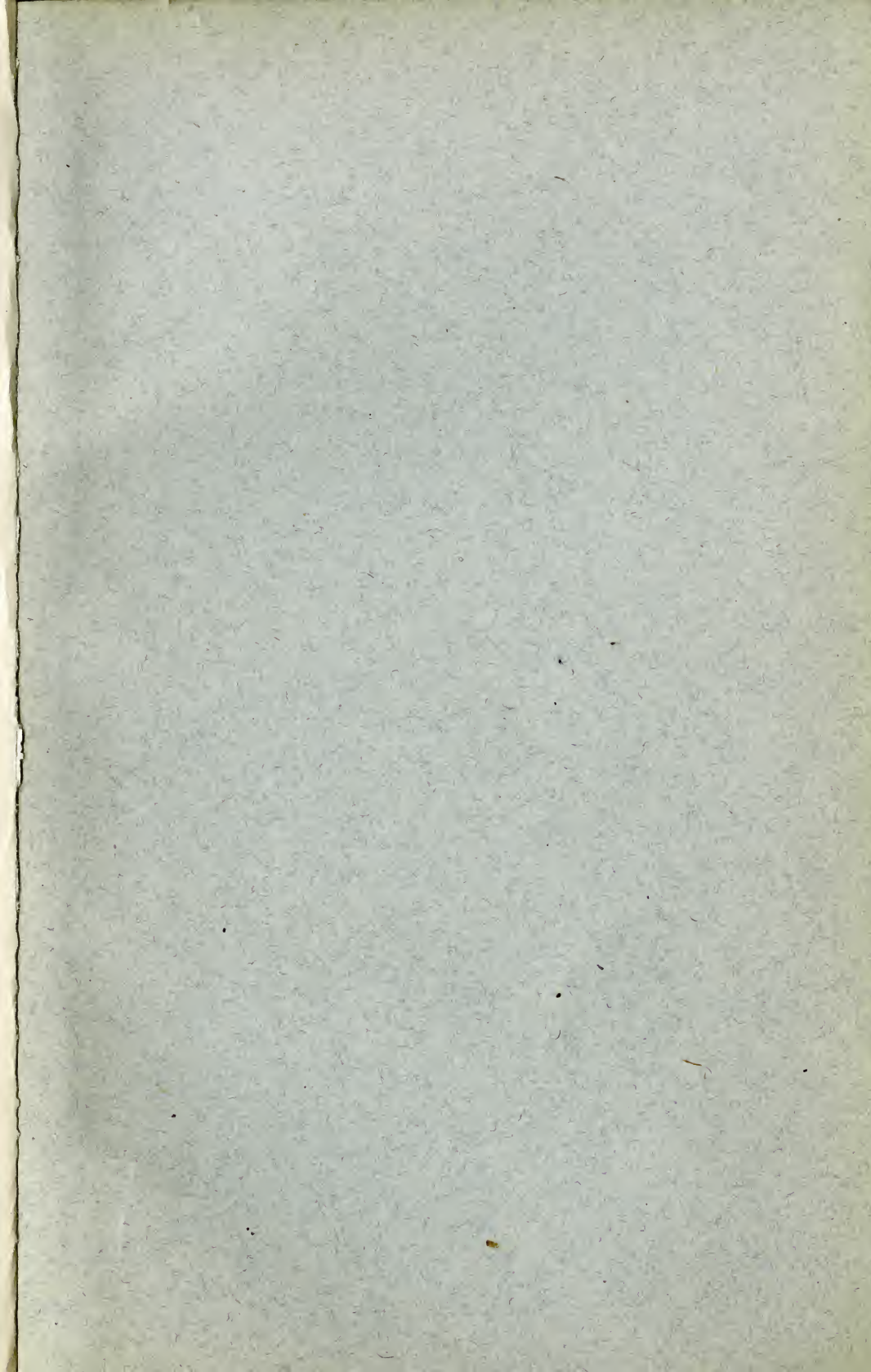
What counties should be transferred or attached to existing districts to provide for the creation of new ones to afford just representation based upon population disclosed by the pending Federal census, cannot, in complete justice to all districts, be determined in advance thereof. Our report is based on population of 21,471 for each representative district, and 56,504 for each senatorial district. It is a reasonable assumption that the next census will disclose a State population of 2,500,000, or 25,000 for each representative district and near 66,000 for each senatorial district.

While, therefore, our plan appears equitable and the best attainable under the conditions named, it is to be tested by conditions appearing nearly ten years ago, and, if adopted by the Legislature, would be subject to change based upon the increase of population in the State at large, and the almost certain larger relative increase in some districts than in others.

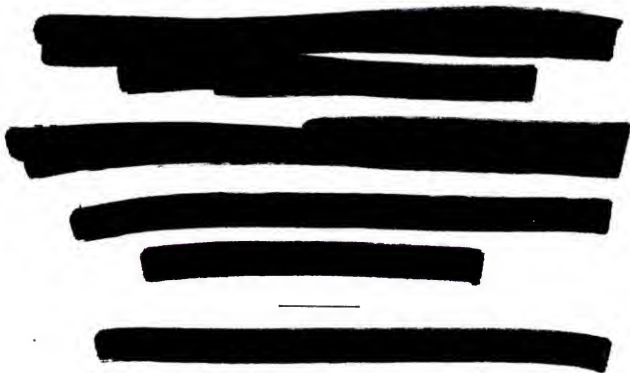
Subject to these general expressions as qualifying my agreement to the report, you have authority to sign my name thereto.

Very truly yours,

JOHN F. HAGER.



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Binder
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